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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,329	02/05/2004	Tom Long	FRIEL-104	8519
7590	06/14/2006		EXAMINER	
Connolly Bove Lodge & Hutz LLP P.O. Box 2207 Wilmington, DE 19899-2207			FUQUA, SHAWNTINA T	
			ART UNIT	PAPER NUMBER
			3742	
DATE MAILED: 06/14/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/774,329

Applicant(s)

LONG ET AL.

Examiner

Shawntina T. Fuqua

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18 is/are allowed.
- 6) ☒ Claim(s) 1,2,9-17 and 19 is/are rejected.
- 7) ☒ Claim(s) 3-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/1/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Cohn (US3279351).

Cohn discloses an electrically heated kettle comprising a vessel (12) including a partially open immersible container (26) sized to allow passage of liquid and capable of holding a material (column 2, lines 15-25, 42-51), structure to hold container out of liquid until the liquid reaches the appropriate temperature (column 1, lines 64-69), to immerse or withdraw container into or from liquid as necessary (column 2, line 52-column 3, line 35), structure to hold container is a rod (16) attached to container (26), and structure to hold container out of liquid is a mechanical arm actuated by a solenoid (column 3, lines 16-27).

3. Claims 9-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Husted et al (US6135010).

Husted et al discloses an electrically heated kettle comprising a vessel (30) for holding a liquid, an electric heater (11, 14) powered by a controller (16), a temperature sensor (15), an electrical processor to make a comparison of set temperature with temperature signal and to direct electrical controller to apply varying amounts of power to heater (column 3, line 62-

column 4, line 5), processor directs controller to apply maximum power to heat up and further directs heater to apply less than maximum power to heater (column, lines 16-23), a visual indicator (27) that annunciates when liquid reaches set temperature (column 4, lines 18-20), a user actuated electrical control to initiate brewing cycle time (column 4, lines 24-35), user control directs processor to direct controller to initiate the brewing cycle time and to terminate the maintenance of set temperature during the brewing cycle time (column 4, lines 24-35), a partially open immersible container (60) held by an electrically actuated holder (45) wherein the user actuated electrical control initiates the brewing cycle time and actuates the holder to allow the container to be immersed (column 3, lines 46-61), and an electric timer (28).

Allowable Subject Matter

4. Claim 18 is allowed.
5. Claims 3-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

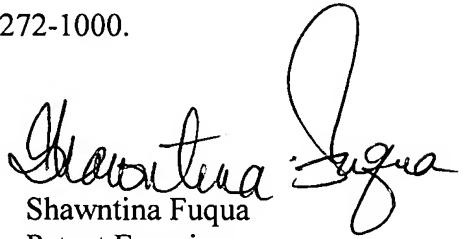
Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawntina T. Fuqua whose telephone number is (571) 272-4779. The examiner can normally be reached on Monday-Friday 8-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on (571) 272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

stf
June 8, 2006


Shawntina Fuqua
Patent Examiner
Art Unit 3742